

In re Patent Application of:  
**WOLF ET AL**  
Serial No. 10/085,178  
Filed: **FEBRUARY 2, 2002**

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**REMARKS**

Claims 1 to 4 are currently pending. Claims 1 and 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 05-055710 (Shimizu), and claims 2 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu.

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in light of the cited prior art. In particular, claim 1 has been amended to include "laser output power control means", which utilizes the "temperature data" to control the laser and maintain the output power of the laser constant over time. This feature is clearly described on pages 55, 56 and 57 of the description, and is both novel and non-obvious. New claims 5 to 7 have been added to ensure all aspects of the invention are protected.

The device disclosed in the Shimizu reference uses the temperature sensor to control an "electronic cooling element 5", not to control the power output of the laser, and in particular the DC bias current. Similarly, the devices disclosed in the other references of interest, i.e. United States Patents Nos. 4,338,577 (Sato et al) and 4,884,279 (Odagiri) only use the temperature sensor to control a heat absorbing element, not to directly control the laser output power by adjusting the DC bias current.

The description has been amended to include reference to Figure 8B, as requested by the Examiner. Superfluous portions

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of the Summary of the Invention section have been deleted, and the remaining portion has been updated in accordance with the aforementioned amendments to the claims.

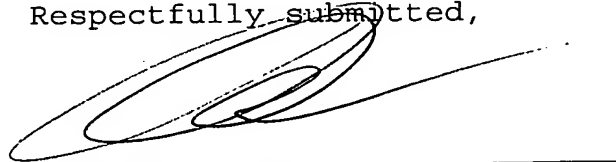
A new set of higher quality formal drawings has been filed including the correction to Figure 3 to correctly identify the cut-away region 602.

As such, it is respectfully submitted that all of the claims remaining in the application are in condition for allowance. Early and favorable consideration would be appreciated.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, on this 24 day of October, 2003.

  
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